

AMENDMENTS TO THE DRAWINGS

Please note the drawing amendments as follows:

In Figure 1, the element previously labeled as element 165 is now labeled as element 166.

In Figure 2, several shaded elements have been converted to line art. The labels for elements 221 and 222 have been moved so they do not overlap any parts of the figure.

In Figure 3, several shaded elements have been converted to line art. References to elements 300, 321, 322, 323, 324, 331, 332, 333, 334, 337, 338, 339, 341, 342, 343, 348 and 349 have been removed.

In Figure 4, several shaded elements have been converted to line art. References to elements 400, 461, 462, 463, 464, 470, 471, 472, 473, 480, 481, 482, 483 and 484 have been removed. The labels for elements 421, 422 and 474 have been moved so they do not overlap any parts of the figure.

REMARKS

In the non-final Office Action mailed on June 7, 2007, the Examiner objected to the drawings; objected to the Abstract; rejected claims 8-11 under 35 U.S.C. § 101; rejected claim 5 under 35 U.S.C. § 112; and rejected claims 3-7 under 35 U.S.C. § 103(a) over Miller et al., US 2001/00540008 A1 ("Miller") in view of English, US 2003/0055723 A1 ("English"). In this response, applicants amend claims 5 and 8-11 to clarify the subject matter that applicants regard as their invention, and cancel unselected claims 1, 2, and 12-32. As a result, claims 3-11 are presently pending. For the reasons set forth in detail below, applicants submit that all of the pending claims are in condition for allowance.

I. Objections to Drawings

The drawings were objected to as failing to comply with 37 C.F.R. §§ 1.84(m) and (p)(5). Applicants enclose herewith updated versions of Figs. 1-4 for reconsideration.

II. Objection to Specification

The Abstract was objected to because it contained the phrase "is described." Applicants enclose herewith a new copy of the Abstract which eliminates this language.

III. Rejection under 35 U.S.C. § 101

Claims 8-11 were rejected under 35 U.S.C. § 101. While applicants do not necessarily concur in this rejection, they herein amend claims 8-11 to recite a data transmission network. Accordingly, applicants submit that each of these claims is now unarguably directed to statutory subject matter.

IV. Rejection under 35 U.S.C. § 112, second paragraph

Claim 5 was rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. While applicants do not necessarily concur in this rejection, they herein amend

claim 5 to include the step indicated by the Examiner to have been omitted: determining a most recently selected featured seller in order to use it in replying to each of the received requests.

V. Rejection under 35 U.S.C. § 103(a)

Claims 3-7 were rejected under 35 U.S.C. § 103(a) over Miller in view of English. Applicants respectfully traverse this rejection. Further examination and review in view of the remarks below are respectfully requested.

Proper rejection under 35 U.S.C. § 103(a) requires that every feature of the pending claims be found in one of the cited references, and that a person of ordinary skill in the art would have known to combine the features in the fashion claimed. This rejection is not adequately supported under either prong of this standard.

The cited references in combination fail to disclose every feature of the pending claims. For example, all of the applicants' claims disclose a common feature, recited in claim 3 as "a control that can be activated to order the selected item from a featured seller." The Office Action cites Fig. 5A and ¶¶ 0171, 0173, 0176 and 0179 of Miller as disclosing this feature. Applicants respectfully disagree. These paragraphs disclose the output of "information about the vendor" (¶ 0171), "direct links to the vendor's site" (¶ 0173), "information about the selected vendor(s)" (¶ 0176) or "summaries" (¶ 0179). Fig. 5A discloses a page layout including links which are described in ¶ 0151 as "Links to more information." Thus, Miller discloses no more than the output of various types of links, all of which either return information or lead to a vendor's web site, none of which could be properly characterized as a control that can be activated to order the selected item from a featured seller. For this reason, the pending claims are patentable over Miller and English.

The Office Action also fails to advance a convincing reason that a person of ordinary skill in the art would modify the vendor selection process of Miller to incorporate

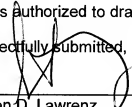
the scoring method of English. The Office Action cites ¶ 0007 of Miller for the suggestion that consideration of a seller score "would allow for customers to have more and better access to information relating to an item in order for the customer to make better purchasing decisions." (Non-final Office Action, June 7, 2007, p. 8.) The cited paragraph fails to make such a suggestion on two counts. First, the seller score provides information relating to the *seller*, not the item. Second, this paragraph does not give any indication that the quality of the customer's purchasing decision is a motivation or concern. The only goal indicated is "enabling a person to access information concerning an item of interest to that user ... or an opportunity to purchase such an item by scanning a bar code associated with that item" (¶ 0007). It is the user's ability to learn about and purchase the product identified by the bar code scan, rather the quality of the user's decision to purchase from a particular vendor, that motivates the delivery of information to the user. The Office Action fails to identify, and Applicants are unable to find, such a suggestion in any other part of Miller. Because Miller provides no motivation for the incorporation of a vendor scoring method such as the one taught by English, this combination of Miller and English is not obvious under the standard of 35 U.S.C. § 103(a). Thus, the current application is patentable over Miller and English.

VI. Conclusion

Applicants believe all required fees are being paid with this response. However, if any additional fee is due, please charge our Deposit Account No. 50-0665, under Order No. 249768068US from which the undersigned is authorized to draw.

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Respectfully submitted,

By 
Steven D. Lawrenz
Registration No.: 37,376
PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000
(206) 359-7198 (Fax)
Attorney for Applicant